

OGC 73-0240

12 February 1973

MEMORANDUM FOR: SA/Information Control

SUBJECT : AEC Request for Classification Review of CIA-  
Originated Documents

We have the following suggestions concerning the proposed  
reply to the Atomic Energy Commission.

a. I believe agencies are not required to exempt old documents from automatic downgrading. All but one of the documents are more than ten years old and are, therefore, beyond the prescribed time period for automatic downgrading. Further, under section 5(B) of the Order, documents in existence on the effective date of the Order which are not assigned to group (4) under E.O. 10501, and these documents are apparently not so assigned, are excluded from automatic downgrading.

b. With respect to NIE 11-2-64, whose downgrading we would resist, I think we must base our objection not on the fact that the sources and methods involved are sensitive, but on our judgment that the information fits the definition of Top Secret in section 1(A) of the Order. Further with respect to that document, if we hinge our objection on the sources and method issue, I should think we should have in the record a recommendation to that effect from the Deputy Director whose sources and methods are involved, which I assume is the DDS&T.

STAT

[Redacted] Associate General Counsel

Attachment: File: OA-CXXIII-

OGC:RHL:sin

36-2A

Original - Addressee

1 - Release of Information subj

1 - RHL signer

1 - Chrono